

## Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 NEAE-00 FBOE-00 A-01 L-03 SY-05  
CPR-02 /022 W

-----106116 121307Z /46

P R 121056Z JUL 78  
FM AMEMBASSY KUWAIT  
TO SECSTATE WASHDC PRIORITY 1398  
INFO AMEMBASSY MANAMA

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DEPT FOR NEA/ARP, A/FBO, NEA/EX, L/NEA, SY

E.O. 11652: N/A  
TAGS: AFSP, ASEC, KU  
SUBJ: MUNICIPALITY OF KUWAIT TAKES PORTION OF EMBASSY COMPOUND

1. SUMMARY: KUWAIT MUNICIPALITY HAS FIRM PLANS TO WIDEN THE ROAD BETWEEN THE EMBASSY COMPOUND AND THE HILTON HOTEL AT THE COST OF SEVERAL METERS WIDE STRIP TAKEN FROM THE COMPOUND. TITLE HAS ALREADY PASSED FROM AMIR OF BAHRAIN TO THE STATE OF KUWAIT AND COMPENSATION FOR AMIR OF BAHRAIN SET ASIDE. A NEW SECURITY WALL WOULD HAVE TO BE BUILT WHICH WOULD PASS WITHIN A FEW FEET OF THE SOUTHEAST CORNER OF CHANCERY, BLOCKING DRIVEWAY TO AMBASSADOR'S OFFICE DOOR AND ALTERING PHYSICAL SECURITY OUTLOOK FOR THE CHANCERY. EMBASSY WILL CONTINUE EFFORTS TO COMPROMISE WITH MUNICIPALITY ON DESIGN OF WIDENED ROAD TO LESSEN IMPACT ON COMPOUND.

ACTION REQUESTED: "L" PLEASE ADVISE EMBASSY ASAP WHETHER VIENNA CONVENTION PURPORTS TO PROTECT DIPLOMATIC MISSIONS FROM ACTS OF EMINENT DOMAIN, BEARING IN MIND THAT THIS EMBASSY IS MERELY A TENANT ON LAND BELONGING TO AMIR OF BAHRAIN. END OF SUMMARY.

2. EARLY THIS SPRING EMBASSY BECAME AWARE OF PLANS BY KUWAIT  
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MUNICIPALITY TO CONVERT TWO-WAY STREET WHICH SEPARATES EMBASSY COMPOUND FROM HILTON HOTEL INTO A DIVIDED HIGHWAY WITH BROAD SIDEWALKS. EMBASSY CONSULTED WITH MUNICIPALITY AND PROVIDED ITS ENGINEERS WITH ROUGH DESIGN SHOWING THAT DESIRED EXPANSION OF THE ROAD COULD BE ACCOMPLISHED WITHOUT AFFECTING PRESENT OUTER SECURITY WALL OF THE COMPOUND. AMBASSADOR SPOKE WITH PRESIDENT OF THE MUNICIPAL COUNCIL AND LATER MENTIONED

SUBJECT TO CROWN PRINCE/PRIME MINISTER SHAIKH SA'AD AL-ABDULLAH.

3. SUBSEQUENTLY WE WERE LED TO BELIEVE THAT THE MUNICIPALITY HAD ACCEPTED OUR DESIGN SUGGESTIONS AND THAT THE COMPOUND PROPERTY WOULD NOT BE PHYSICALLY TAKEN IN THE COURSE OF CONSTRUCTION. WE RECENTLY LEARNED, HOWEVER, THE THE ORIGINAL PLAN HAS BEEN RESTORED TO FAVOR AND THAT MUNICIPALITY INTENDS TO PROCEED WITH EXECUTION OF THE PROJECT AT SOME POINT NO EARLIER THAN THREE OR FOUR MONTHS FROM NOW. CHARGE CALLED JULY 11 ON PRESIDENT OF MUNICIPAL COUNCIL TO INQUIRE INTO SITUATION. PRESIDENT PROVED ANXIOUS TO COORDINATE AND COOPERATE WITH EMBASSY, WILLING TO ARRANGE DELAYS OF EXECUTION TO ACCOMMODATE ANY NEW CONSTRUCTION WITHIN THE COMPOUND WHICH MOVEMENT OF OUR SECURITY WALL MIGHT ENTAIL, BUT HE WAS ENTIRELY FIRM THAT ROAD WIDENING WOULD GO FORWARD IN ACCORDANCE WITH ORIGINAL MUNICIPALITY DESIGN SCHEME. HE SAID THAT THE STRIP OF THE COMPOUND INVOLVED HAD BEEN TAKEN BY EMINENT DOMAIN AND HAD BEEN PROPERTY OF THE STATE OF KUWAIT SINCE MARCH, WITH A SUM OF MONEY (AMOUNT NOT STATED) SET ASIDE FOR THE FORMER OWNER, THE AMIR OF BAHRAIN. HE SAID HE WAS SURE THE AMIR'S AGENT WAS AWARE OF THESE FACTS, BUT THAT IT WAS IRRELEVANT TO HIM WHETHER AMIR EVER CLAIMS THIS COMPENSATORY SUM.

4. AS TENANTS ON THE LAND, EMBASSY ASSUMES USG IS ENTITLED TO NO RPT NO COMPENSATION WHICH MIGHT BE USED TO CONSTRUCT A NEW SECURITY WALL TO REPLACE THAT WHICH WILL FALL AS ROAD IS LIMITED OFFICIAL USE

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WIDENED. IT IS CLEAR THAT NEW WALL WOULD PASS VERY CLOSE BY SOUTHEAST CORNER OF CHANCERY (DCM'S OFFICE) AND WOULD RENDER IMPASSABLE THE DRIVE WHICH NOW LEADS FROM MAIN COMPOUND GATE AROUND CHANCERY TO THE AMBASSADOR'S OWN OFFICE DOOR. APART FROM THIS, LOSS TO THE COMPOUND WOULD SEEM TO CONSIST MOSTLY OF A ROW OF SOME OF THE OLDEST TREES IN KUWAIT AND SOME PLEASANT LAWN. EXTERNAL NOISE FACTOR WILL PROBABLY BE CONSIDERABLY INCREASED FOR DCM'S OFFICE AND OTHER CHANCERY OFFICES FACING HILTON HOTEL, AND CLOSE PROXIMITY OF THE NEW WALL WILL BE LESS SATISFACTORY SITUATION FROM STANDPOINT OF PHYSICAL SECURITY OF THE CHANCERY.

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TO SECSTATE WASHDC PRIORITY 1399

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5. WE INTEND TO CONTINUE TO PURSUE WITH MUNICIPALITY ENGINEERS IDEAS TO ACCOMPLISH WIDENING OF THE ROAD WITHOUT TAKING SO BROAD A STRIP OF THE COMPOUND, IF ANY. HOWEVER, ON THE BASIS OF CHARGE'S TALK WITH MUNICIPALITY COUNCIL PRESIDENT JULY 11, WE JUDGE THAT SUCH COMPROMISES HAVE HAD THEIR DAY IN COURT AND THAT WE HAVE LITTLE CHANCE OF SUCCESS ALONG THIS ROUTE NOW. INCIDENTALLY, THERE IS EVERY INDICATION THAT PRESIDENT OF COUNCIL HAD ALREADY CLEARED WITH THE AMIR AND/OR PRIME MINISTER IMMEDIATELY PRIOR HG MEETING CHARGE JULY 11, HIS STATEMENT TO CHARGE THAT ROAD WIDENING AND EXPROPRIATION PLAN IS FIRM AND IRREVOCABLE.

6. CHARGE INTENDS TO MAKE SOUNDINGS AT THE FOREIGN MINISTRY ABOUT THIS MATTER AND MAY SEEK FURTHER INFORMATION AT THE OFFICE OF THE PRIME MINISTER, BUT PROPOSES TO LEAVE NOTION OF GOING DIRECTLY TO PRIME MINISTER OR AMIR FOR AMBASSADOR MAESTRONE'S DECISION ON HIS RETURN TO POST IN ABOUT THREE WEEKS. PRIOR TO SUCH CONTACTS WE COULD GREAT APPRECIATE COMMENT FROM THE DEPARTMENT ON TWO POINTS: (1) THE JUDGMENT OF THE LEGAL ADVISOR'S OFFICE AS TO WHETHER THE VIENNA CONVENTION AFFORDS US THE ARGUMENT THAT EMINENT DOMAIN MAY NOT BE EXERCISED AGAINST PROPERTY OCCUPIED AS DIPLOMATIC PREMISES, BEARING IN MIND THAT WE ARE ONLY TENANTS OF THE AMIR OF BAHRAIN; AND LIMITED OFFICIAL USE

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(2) WHAT THE CHANCES ARE THAT FUNDS COULD B MADE AVAILABLE ON AN EMERGENCY BASIS FOR CONSTRUCTION OF A NEW SECURITY WALL IN THE EVENT WE ARE UNABLE TO REVERSE THE KUWAITI PLANS. BASED ON COST OF FORMER EMBASSY WALL CONSTRUCTION AND OUR ROUGH ESTIMATE OF LENGTH OF REPLACEMENT WALL, WE EXPECT COST WILL RUN IN NEIGHBORHOOD OF DOLS ONE HUNDRED THOUSDAND.

7. COMMENT: UNTIL ACTUAL CONSTRUCTION WORK COMMENCES ON OUR END OF THE ROAD IN QUESTION, AND THIS WILL BE AT LEAST SEVERAL MONTHS AWAY, THE DECISION TO EXPROPRIATE EMBASSY COMPOUND

PROPERTY CAN CONCEIVABLY BE REVERSED. THE APPARENT OBSTACLES  
AT THIS POINT ARE (1) OPPOSITION OF INFLUENTIAL SHAREHOLDERS

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KUWAIT HILTON WO OBJECT TO IDEA THAT ROAD SHOULD BE WIDENED AT  
EXPENSE OF STRIP OF LAND ON HOTEL SIDE OF STREET RATHER THAN  
OUR SIDE; AND (2) THE PLANNERS AND BUREAUCRATS WHO RESENT  
INTERFERENCE WITH DETAILS OF KUWAIT MASTER ROAD PLAN. REVERSING  
THE DECISION, OR EVEN GETTING ENOUGH FLEXIBILITY IN THE DESIGN  
TO LESSEN THE IMPACT OF THE LAND TAKING ON OUR COMPOUND,  
WILL REQUIRE ORDERS FROM THE VERY TOP OF GOK, BUT THERE IS NOT  
IMMEDIATE NEED TO HAVE THOSE ORDERS. ONE WOULD SUPPOSE THAT  
OUR LANDLORD, THE AMIR OF BAHRAIN, WOULD BE CONCERNED IN THE  
MATTER, AND EMBASSY OFFICER TRAVELING TO BAHRAIN FOR JULY 13  
MEETING WITH AMIR'S AGENT ON OTHER MATTERS RELATING TO COMPOUND  
WILL BROACH SUBJECT OF LANDTAKING WITH THE AGENT. HOWEVER IT  
LOOKS TO US HERE THAT KUWAITIS ARE SATISFIED, FOR ONE REASON  
OR ANOTHER, THAT THEY CAN DISREGARD ANY OBJECTION WHICH THE  
AMIR OF BAHRAIN MIGHT RAISE.  
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